




CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	10-05-10	AGENDA REQUEST NO:	V-K
INITIATED BY:	LINDA DRAPP, ADMINISTRATIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DEPARTMENT HEAD:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	MINUTES CITY COUNCIL MEETING SEPTEMBER 21, 2010 APPROVE MINUTES		
EXHIBITS:	MINUTES SEPTEMBER 21, 2010		
CLEARANCES		APPROVAL	
LEGAL:	N/A	EXECUTIVE DIRECTOR:	N/A
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve the minutes of the City Council meeting September 21, 2010.			

EXHIBITS

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND
CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 21, 2010**

REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, September 21, 2010 at 4:00 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor
Thomas Abraham, Council Member at Large, Position One
Jacqueline Baly Chaumette, Council Member at Large, Position Two
Donald L. Smithers, Council Member District One
Donald G. Olson, Council Member District Two
Russell C. Jones, Council Member District Three
Michael S. Schiff, Council Member District Four

QUORUM PRESENT

All of said members were present.

Also present were:
Allen Bogard, City Manager
Glenda Gundermann, City Secretary
Joe Morris, City Attorney, and
A Number of Visitors

CONVENE MEETING

Mayor James Thompson convened the session, open to the public, to order at 4:00 o'clock P.M.

WORKSHOP

FIRE DEPARTMENT MANAGEMENT STUDY

Mayor Thompson introduced discussion on draft Fire Department Management Study.

WORKSHOP (CONTINUED)

FIRE DEPARTMENT MANAGEMENT STUDY (CONTINUED)

Mr. Steve Griffith, Assistant City Manager, stated on April 5, 2010, the Matrix Consulting Group (Matrix) was selected to conduct an assessment of the Sugar Land Fire Department. The firm has prepared a Fire Department Management Study and over the last five months has been conducting research, interviewing City Council members and City management, and gathering data on City fire stations, fire administration, and Fort Bend County EMS service. Matrix created a draft report that was shared with City management. City Council recognized that the life-saving skills of the Fire Department relative to firefighting are decreasing in frequency; the department has had an increasing role in frequency of Emergency Medical Services (EMS). The report will provide options for increasing the utilization of Fire personnel in providing public safety services for the citizens.

Mr. Travis Miller, Matrix Consulting Group, stated municipalities should, like Sugar Land, have service level objectives for fire, rescue, and EMS response. At a minimum, targets should be set for dispatch processing and fire department reflex time. Having standards is 'best practice' for well-run communities. The City of Sugar Land has based its current standards on national consensus efforts. Current objectives are reasonable given the nature of the city. Standards have been used to set staffing and station locations.

The City does not have sufficient standards in place related to setting EMS expectations regarding transport. The city and the Fire Department should modify the current EMD (emergency medical dispatch) policy to provide immediate dispatch of Fire Department responders to critical incidents such as cardiac and respiratory distress, trauma, and other sentinel events. Analysis of unit utilization and call demand indicates there is ample capacity within the emergency response system to take on additional emergency and non-emergency roles.

The addition of Fire Station 7 will significantly improve initial response times to emergency calls within the City and ETJ. Expected total response times are calculated to decline from 5 minutes to 4.6 minutes. In addition, 94 percent of calls will be within a 4-minute drive time of a station compared to 86 percent currently. Drive times are expected to decline from 2.96 to 2.61 minutes, a reduction of 11.8 percent.

Sugar Land Fire Department can provide staffing for the new Fire Station 7 if the current minimum-staffing plan is modified, which will require promotions at the Lieutenant and Driver Operator positions at a cost of \$159,000 annually.

Unit utilization and time on task is, as expected, low and characteristic with first response, something that is getting more exaggerated by implementation of EMD. Opportunities exist to improve utilization of staff resources.

Current EMS challenges include: Sugar Land does not have existing standards for performance; County and City relationship around EMS is ill-defined; and EMD has reduced and delayed Fire responses to EMS calls. Currently, if a person dials 9-1-1 for a serious medical emergency, a response will be received by at least two entities; the city Fire Department as first responders and Fort Bend County as the transport provider, which is called a third party transport system. If the county gets a call and the units are used up around the area, the city has no commitment and no contractual obligation from the county to provide the city with two units 100

WORKSHOP (CONTINUED)

FIRE DEPARTMENT MANAGEMENT STUDY (CONTINUED)

percent of the time. If a unit is needed elsewhere, the unit will leave to that call for service. County-wide transport is common in the southeast and southwest. EMD is a good idea in the City of Houston where resources are attempting to be balanced and spread out over different kinds of calls over a large geographic area with a huge population base. Fort Bend County call data is not good.

The project team determined that provision of emergency medical transport services within the Fire Department could result in a net surplus of \$243,000 annually. The revenues can be utilized to improve the current provision of EMS, improve crew utilization, and to mitigate staff costs associated with Fire Station 7. Some options would allow for continued 4-person staffing at every station by relying on cross-staffed units. The Fire Department can limit risks associated with multi units EMS response by utilizing crew cab ambulances.

Regarding support services, there are additional opportunities to improve the coordination of EMS with Fort Bend County including integration of QA/QC, standardization of data sets, and integration of electronic patient care reporting. There are several opportunities to improve the SLFD training program including regular use of post incidents critiques, additional officer training, and additional crew performance evaluations. The city and the SLFD should plan for the construction of a training facility within the city. The SLFD should develop better workload measures for fire prevention personnel. Available workload data indicate that productivity is very low. Minimum productivity targets for fire prevention personnel should be established, track inspection and plan review activity by inspector. The city and SLFD should consider implementing an engine/truck company inspection program to improve fire prevention and education efforts within the city.

The SLFD should increase the number of pre-fire plans required of operations personnel to ensure all target hazards are pre-planned annually. The department should capture event data, not number of participants, to document workloads and activities of the public education program. The city has several options to improve the efficiency of public education programs including regionalization with neighboring cities, eliminating one position to help support staffing needs at the new Fire Station 7, or civilianization.

There are opportunities to improve the logistics function including: implementing an inventory control system, development of a replacement plan for major equipment, and development of an inventory room access policy. The city and the Fire Department should re-evaluate costs for apparatus replacement. The current budget estimates for engine and ladder truck replacement appear to be high. Support Services Department should provide regular maintenance reports to the department to aid apparatus replacement planning.

Council discussion ensued regarding fire station staffing and equipment for EMS calls.

Assistant City Manager Griffith stated next steps include meeting with the Emergency Medical Director of Fort Bend County, presenting the draft report, and begin dialog with the County about creating a common expectation.

RECESS

Mayor Thompson recessed the Regular Meeting, time 5:05 o'clock P.M.

RECONVENE

Mayor Thompson reconvened the Regular Meeting, time 5:30 o'clock P.M.

INVOCATION

Council Member Chaumette delivered the invocation.

PLEDGE OF ALLEGIANCE

Council Member Chaumette led the pledge of allegiance to the Flag of the United States of America.

RECOGNITIONS

**FIRST COLONY LITTLE LEAGUE 9 YEAR OLD ALL STARS
2010 SECTIONAL CHAMPIONS**

Mayor Thompson introduced the First Colony Little League 9 year old All-Stars and the Coach David Chaumette.

Coach Chaumette acknowledged and recognized the First Colony Little League 9 year old All-Stars, First Colony Blue Beasts, for a successful season, becoming the Sectional Champions for 2010, which is the first time a 9 year old All-Star team in Sugar Land has achieved the championship title. Sectional Champions is the highest level championship title a 9 year old All-Star team can achieve.

Mayor Thompson presented each player with a proclamation.

NATIONAL NIGHT OUT

Mayor Thompson introduced *Mr. Douglas Brinkley, Chief of Police*, who stated the Sugar Land Police Department and law enforcement agencies across Texas are inviting neighborhoods to join forces for the 27th Annual National Night Out crime, drug, and violence prevention event. Last year the National Night Out campaign involved citizens, law enforcement agencies, civic businesses, neighborhood organizations and local officials from over 15,000 communities, 50 states, U.S. territories, Canadian cities, and military bases worldwide. In all, over 36 million participated in National Night Out 2009.

On October 5 from 6:00-9:00 p.m., Police invite all neighborhoods in the City to "Light up Sugar Land" by turning on outside lights and spending the evening with neighbors and police; the Police will kick-off a new Crime Prevention initiative called Partners Against Crime. The Mayor, Council Members, and Police will be out in the community asking everyone to join the Police Department as **Partners** (Against Crime) to combat crime in the community. Brochures with crime prevention tips will be handed out by staff.

RECOGNITIONS (CONTINUED)

FIRE PREVENTION WEEK

Mayor Thompson introduced *Mr. Juan Adame, Fire Chief*, who stated in observance of Fire Prevention Week (FPW), October 3-9, 2010, the Sugar Land Fire Department will be visiting third grade classes throughout the month of October to educate them with a FPW presentation. The theme this year is “Smoke Detectors: A Sound You Can Live With.” Firefighters will also be visiting area daycares and preschools.

The fourth annual Sugar Land Fire Department/Public Safety Open House will be held on Saturday, October 9, from 10:00 a.m. – 2:00 p.m. at the Sugar Land Community Center, and serves as an opportunity for citizens to meet the firefighters, talk to fire department leaders, get a look at the equipment used to keep the City safe, and tour Fire Station #1. The Police Department and Emergency Management will be joining the Fire Department for the Public Safety Open House.

Mayor Thompson presented the Fire Department with a proclamation recognizing Fire Prevention Week.

PUBLIC COMMENT

Mayor Thompson introduced Public Comment and entertained registered speakers. There were no public comments.

REVIEW OF CONSENT AGENDA

Mayor Thompson introduced Review of the Consent Agenda and entertained questions and/or comments.

Council Member Schiff requested Item IV.H, Riverstone General Plan Minor Amendment No. 3, be pulled to the Regular Agenda.

CONSENT AGENDA

Mayor Thompson introduced IV.A) **SECOND CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1800** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2 DIVISION 4 (FEES FOR VARIOUS CITY SERVICES) AND CHAPTER 5, DIVISION 3 (RATES AND CHARGES) OF THE CODE OF ORDINANCES BY REVISING VARIOUS SERVICE FEES AND MONTHLY RETAIL WATER AND WASTEWATER CHARGES; IV.B) **CITY OF SUGAR LAND RESOLUTION NO. 10-43** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, ADOPTING A NEIGHBORHOOD TRAFFIC POLICY; IV.C) Authorizing execution of an Interlocal Agreement by and between the City of Sugar Land and Fort Bend County for fire protection, firefighting, and emergency medical services in designated unincorporated areas of Fort Bend County; IV.D) Authorizing a one-year Contract renewal in an amount not to exceed \$84,104.00 with Landscape Professionals of Texas for facilities landscape services for the period October 01, 2010 through September 30, 2011; IV.E) Authorizing a one-year Contract renewal in an amount not to exceed \$197,181.48 with C & S Janitorial Services for municipal facilities custodial service for the period October 01, 2010 through September 30, 2011; IV.F) Authorizing execution of an Interlocal Agreement in an amount not to

CONSENT AGENDA (CONTINUED)

exceed \$74,969.00 by and between the City of Sugar Land and Fort Bend Subsidence District for WaterWise program sponsorship for the period September 21, 2010 through June 05, 2011; IV.G) Bid evaluation and authorizing execution of a Contract in an amount not to exceed \$420,337.00 with Matula & Matula Construction, Incorporated for Lombardy, Sugar Creek Market Place, and Seventh Street Lift Station rehabilitation, CIP WA0905; IV.I) Approval of the minutes of the regular meeting of September 07, 2010.

Following a full and complete discussion, ***Council Member Chaumette***, seconded by ***Council Member Smithers***, made a motion to approve the Consent Agenda with the exception of Item IV.H which was pulled for separate consideration on the Regular Agenda. The motion carried unanimously.

RIVERSTONE GENERAL PLAN MINOR AMENDMENT NO. 3

Mayor Thompson introduced consideration on approval of Riverstone General Plan Minor Amendment No. 3. ***Council Member Schiff*** requested Item IV.H be pulled to the Regular Agenda for the purpose of discussion.

Council Member Schiff stated there are basically two items in Minor Amendment No. 3; one is changing the 12-acre site designated for church use on LJ Parkway to single family land use, and stated that he is in favor of that change. His concerns are with the addition of Note 6 that uses a commercial land use group as interchangeable and does not require revisions to the General Plan document. There is currently a 1.9 acre site which is directly at the intersection of where LJ Parkway will connect with Commonwealth, which is the extension of Palm Royale, and is currently designated for day care only on the General Plan; and if the modification is allowed for general/commercial, there is a broader spectrum of types of buildings that could be built at the location, which is directly in the middle of a residential community. Mr. Schiff prefers to leave it as is in the General Plan, stating there is no zoning per se, but the Development Agreement is basically a contract that indicates that the developer will comply with the General Plan. If the developer would like to put in a use such as medical office or something compatible with residential, the developer could return to Planning and Zoning and City Council for the change later.

Council Member Schiff stated he chooses to pull the addition of Note 6 from the modification and allow the remainder of Amendment No. 3 to proceed.

Mr. Doug Schomburg, Interim Planning Director, stated staff has spoken with the applicant regarding the issue and believes there is not an issue with the site remaining as day care but requested that the applicant speak regarding the other commercial.

Mr. Trey Richer, Riverstone Development, stated there is no issue with the other commercial; and regarding Note 6, the idea was to provide more flexibility, to avoid returning multiple times for minor amendments. Riverstone has no objection to removing Note 6.

RIVERSTONE GENERAL PLAN MINOR AMENDMENT NO. 3 (CONTINUED)

Following a full and complete discussion, *Council Member Schiff*, seconded by *Council Member Chaumette*, made a motion to approve Riverstone General Plan Minor Amendment No. 3 with the modification to eliminate Note 6 related to interchangeability of the commercial sites. The motion carried unanimously.

GRANT

MAYOR'S FITNESS COUNCIL PHASE II

Mayor Thompson introduced consideration on acceptance of Mayor's Fitness Council Phase II Grant in the amount of \$68,000.00 from Texas Department of State Health Services; and authorizing execution of a Contract in the maximum amount of \$67,400.00 with Shape Up Sugar Land for Phase II of Mayor's Fitness Council Work Plan.

Ms. Karen Daly, Assistant City Manager, stated the goal is to develop and implement a local fitness council to encourage physical activity and wellness on a community-wide level. Phase I, the Planning and Development portion, has been completed. Phase II is the implementation phase. The Fitness Council is recommending a robust, interactive website that includes social media features and a marketing campaign. The Assistant City Manager will continue to serve as the liaison. Shape Up Sugar Land will execute the Phase II work plan and will be responsible for development and marketing of the website. The Mayor Fitness Council will oversee the progress.

The Phase II Budget includes: Website Development, \$20,000; Marketing, \$24,000; Staff Time, \$23,400; and City Travel to report on results of Phase II implementation, which is a requirement of the grant, \$600. Total is \$68,000.

Phase II grant requirements include: Robust, interactive website designed to consolidate fitness activities available to Sugar Land residents; marketing campaign to promote the website; increase citizen and corporate participation in physical fitness, and maintain the Top 3 position in Texas Round-Up.

Mr. Mike Rydin, of HCSS, and Chairman of the Mayor's Fitness Council, stated the performance based contract includes a website prototype, website complete and reviewed by Mayor's Fitness Council, website live, Marketing Plan developed, marketing materials printed, fitness data collected, and unique visitor hits exceed 2,000 for 4 months.

The Mayor's Fitness Council will monitor the progress and report to the State.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Olson*, made a motion to approve acceptance of Mayor's Fitness Council Phase II Grant in the amount of \$68,000.00 from Texas Department of State Health Services; and authorizing execution of a Contract in the maximum amount of \$67,400.00 with Shape Up Sugar Land for Phase II of Mayor's Fitness Council Work Plan. The motion carried unanimously.

SPORTS STADIUM

PHASE TWO PROJECT AND DESIGN MANAGEMENT SERVICES

Mayor Thompson introduced consideration on authorizing execution of a Contract in the maximum amount of \$514,000.00 with Pierce Goodwin Alexander & Linville for Phase Two Project and Design Management Services for minor league baseball stadium.

Mr. Mike Hobbs, Special Projects Manager, stated the City and Opening Day Partners (ODP) have agreed to use the Design-Build method for stadium construction. An independent architect/engineer was selected to represent the City, which is a joint venture with PGAL (Pierce Goodwin Alexander & Lin and Huitt-Zollars, and will provide Project and Design Management (PDM) services for the duration of the project.

Phase I includes preparation of the design-build RFQ and RFP, which are ongoing at this time; numerous meetings with the City, ODP, and others to develop the project scope; reviewing site proposals; and assisting in selection of the design-build firm. The work was provided previously under the auspices of a contract executed by the city manager in the amount of \$50,000.

The next phase of the project will be Phase II of the 3-phase program, and involves preparation of the bridging documents which are the equivalent of a 50 percent complete set of plans that will be given to the firms that were shortlisted. The second task will consist of reviewing the proposals that are scheduled to come back to City from the shortlisted firms on November 29; the proposals will be reviewed for technical completeness and specifications to ensure the proposals conform. Staff will work with City Council to select a firm to build the baseball stadium.

Phase III will be brought before City Council in the spring of 2011 and will include construction phase services that consist of two tasks; reviewing submittals from the contractor and inspecting the project for quality control and constructability.

The contract in the maximum amount of \$514,000 including reimbursable expenses is to be paid from SL4B out of MU1104. The next steps include continued work on the bridging documents, and will be presented to City Council on October 5. The RFP process is scheduled to start on October 15.

Following a full and complete discussion, **Council Member Smithers**, seconded by **Council Member Chaumette**, made a motion to approve a Contract in the maximum amount of \$514,000.00 with Pierce Goodwin Alexander & Linville for Phase Two Project and Design Management Services for minor league baseball stadium. The motion carried unanimously.

ARCHITECTURAL SERVICES

Mayor Thompson introduced consideration on authorizing execution of a Contract in the maximum amount of \$200,000.00 with Trish England for minor league baseball stadium architectural services.

Mr. Mike Hobbs, Special Projects Manager, stated the City and ODP agreed to contract with an additional architect to assist with the stadium design services in collaboration with the PDM firm and in consultation with ODP.

SPORTS STADIUM (CONTINUED)

ARCHITECTURAL SERVICES (CONTINUED)

Due to experience in working with ODP to design numerous stadiums, the City and ODP agreed to select Trish England A.I.A. to perform the additional architectural services which will include site planning, schematic design, preparation of bridging documents, review of design-build submissions, review of design-build construction documents, and construction review and monitoring services. Trish England's expertise is in the layout.

The contract with Trish England for stadium design architectural services in the maximum amount of \$200,000 would include reimbursable expenses to be paid out of SL4B.

Trish England will continue to work with PGAL on the 50% bridging documents in anticipation of the release of the design-build RFP, which is anticipated to occur in mid-to-late October 2010.

Following a full and complete discussion, ***Council Member Olson***, seconded by ***Council Member Chaumette***, made a motion to approve a Contract in the maximum amount of \$200,000.00 with Trish England for minor league baseball stadium architectural services. The motion carried unanimously.

RESOLUTION NO. 10-46 – SELECTION OF SITE AS LOCATION FOR BASEBALL STADIUM

Mayor Thompson introduced **CITY OF SUGAR LAND RESOLUTION NO. 10-46** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING THE SELECTION OF THE IMPERIAL REDEVELOPMENT / TRACT 3 SITE AS THE FINAL LOCATION FOR A MINOR LEAGUE BASEBALL STADIUM.

Mr. Mike Hobbs, Special Project Manager, stated in late 2009, the city solicited Statements of Interest for minor league baseball; in February 2010, the city entered into exclusive negotiations with Opening Day Partners; and in May 2010, the city executed a Letter of Intent with ODP. The new University of Houston leadership questioned the City existing ground lease with University of Houston Systems Sugar Land (UGSSL) and previously agreed upon uses of site. The city made a decision to seek other sites as a result of the University questions and to provide the greatest economic benefit to the City.

A formal process to solicit proposals on sites took place in June 2010, and the Imperial Sugar/Tract 3 site was selected as the preferred location. The city made a public commitment that the chosen site would have no negative impact on quality of life to existing neighborhoods to the east from noise, lighting, traffic, and public safety.

There were two components to the due diligence: 1) Constructability analysis to determine whether the site could physically accommodate stadium construction: geotechnical or soil investigation, Phase I environmental assessment, and FAA application regarding lighting tower heights and use of fireworks; all studies showed no negative impact, and staff received a positive unofficial response from the FAA. 2) Quality of life analysis focused on noise, lighting, traffic, and public safety; the studies showed the stadium will meet existing City ordinances with no negative quality of life impact on existing residential neighborhoods. Regarding noise and traffic, the reports offered mitigation to some situations that could arise;

SPORTS STADIUM (CONTINUED)

RESOLUTION NO. 10-46 – SELECTION OF SITE AS LOCATION FOR BASEBALL STADIUM (CONTINUED)

the issues were identified and currently are included in the plans. Staff has committed to the residents that staff will continue to monitor the noise and traffic even after the stadium has been turned over to ODP and will hold ODP accountable to ensure the process will work as intended.

Public input has been received through emails and presentations that were made recently. The City website has published the due diligence reports. Public input was mostly positive and concerned mainly noise and traffic.

Next steps include approval of the Imperial Redevelopment Agreement Amendment and the 5-acre Purchase Agreement from Johnson Development; and approval of the Lease and Development Agreements with Opening Day Partners.

City Manager Bogard stated the city has had productive discussions with Johnson Development and are optimistic that an agreement to be placed before City Council on October 5 will include the preferred option of additional parking being accessible from Highway 6.

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Smithers*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 10-46** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING THE SELECTION OF THE IMPERIAL REDEVELOPMENT / TRACT 3 SITE AS THE FINAL LOCATION FOR A MINOR LEAGUE BASEBALL STADIUM.. The motion carried unanimously.

CONTRACTS AND AGREEMENTS

2011 EMPLOYEE HEALTH INSURANCE

Mayor Thompson introduced consideration on authorizing execution of Contracts with Cigna Healthcare in the amount of \$4,831,025 for 2011 employee medical; in the amount of \$324,421.00 for dental and voluntary vision; and in the amount of \$100,329.00 for group life, accidental death and dismemberment, and long term disability insurances.

Ms. Paula Kutchka, Assistant Human Resources Director, stated the City selected Cigna Health Insurance as the medical insurance vendor beginning with the January 1, 2010 plan year for the medical, dental, and vision plans. Cigna had a renewal guarantee of 8 percent for dental; with the medical contract, Cigna has a partnership agreement that is bundled with the medical and allowed for an increase to be capped between 6.5 and 12.5 percent dependent on certain goals to be met. In July, the city received confirmation from Cigna of a 6.5 percent renewal rate for 2011 in the medical plan.

The contracts for group life and disability products with Aetna expire December 31, 2010. The H.R. Department has conducted a RFP process and received four responses for evaluation. The city provides basic life insurance, accidental death/dismemberment coverage, and long-term disability to all employees.

CONTRACTS AND AGREEMENTS (CONTINUED)

2011 EMPLOYEE HEALTH INSURANCE (CONTINUED)

Employees have the opportunity to purchase short-term disability and voluntary life and accidental death/dismemberment for themselves and dependents.

The results from the RFP showed Cigna provided a 26.3 percent decrease in costs for the City-provided benefits and an anticipated savings to the employees of approximately 17.3 percent. Cigna guaranteed these rates for the next three years. The Cigna RFP response included a .5 percent decrease to the medical premiums, which indicates there will be a 6 percent medical plan increase for next year which provided an additional savings of approximately \$23,000 to the City.

City Council passed a Compensation resolution in March which provided a benefits burden that ensures the City monitors and shows a comparison with the private sector based on the Bureau of Labor Statistics Report. The city is in compliance with Council policy and under budget overall for the 2011 contracts.

Council Member Olson stated that the Compensation Committee supported the staff recommendations.

Following a full and complete discussion, **Council Member Abraham**, seconded by **Council Member Chaumette**, made a motion to approve Contracts with Cigna Healthcare in the amount of \$4,831,025 for 2011 employee medical; in the amount of \$324,421.00 for dental and voluntary vision; and in the amount of \$100,329.00 for group life, accidental death and dismemberment, and long term disability insurances. The motion carried unanimously.

SOFTWARE MAINTENANCE AND SUPPORT

Mayor Thompson introduced consideration on authorizing execution of a Contract in the maximum amount of \$132,670.74 with Innoprise Software for SunGard HTE software maintenance and support.

Ms. Sharlett Chowning, Director of Information Technology, stated in 1992, software was purchased from Sungard HTE for the following systems: financials, payroll, utility billing, work orders, planning, purchasing, fleet, human resources, building permits, budget, building inspections, code enforcement, and asset management. The Sungard HTE product has late 1980 technology and is designed for small cities, provides inadequate support and difficulty in interfacing systems, has a closed environment and the inability to add new features/functionality, and it is difficult to get data out of the system.

A firm named Innoprise contacted the city in February. The firm was established by the former HTE founder and includes many of the primary developers. The system uses current, supportable off the shelf technology, and the City will have the ability to move forward as growth occurs. Innoprise can perform HTE maintenance, and the costs of maintenance are the same as HTE. Innoprise asked the City about becoming a Strategic Partner, and as such would receive legacy support as the new system is implemented. The city performed a Due Diligence that includes a needs assessment and a gap analysis.

CONTRACTS AND AGREEMENTS (CONTINUED)

SOFTWARE MAINTENANCE AND SUPPORT (CONTINUED)

Staff stated a contract will be brought forward to City Council in October for replacement of the HTE system, but maintenance during the conversion will be needed which could take several years. The HTE system contract will end soon and can only be renewed a year at a time.

Staff is requesting City Council to approve a maintenance contract with Innoprise to support the Sungard HTE product so that the IT Department can have time to adequately negotiate a contract with Innoprise.

Council Member Chaumette asked staff for clarification on the maintenance contract and how the dollar amount would change after the maintenance transition.

Staff stated the contract with a Strategic Partner includes a 5 or 6 year term and the City would pay the maintenance costs for the period of time which includes the conversion to the new software. There is no additional outlay for the new software.

Council Member Olson inquired regarding the Municipal Court and the new system. Staff stated the Municipal Court is on a system called Encode and will remain separate; staff stated interfacing will be a part of the contract that is being negotiated, and all the existing interfaces like Municipal Court will be completed and will work with the new system at no additional costs to the City.

Following a full and complete discussion, **Council Member Chaumette**, seconded by **Council Member Smithers**, made a motion to approve a Contract in the maximum amount of \$132,670.74 with Innoprise Software for SunGard HTE software maintenance and support. The motion carried unanimously.

ALTERNATIVE DISINFECTION PROJECT

Mayor Thompson introduced consideration on bid evaluation and authorizing execution of a Contract in the maximum amount of \$930,200.00 with R & B Group, Incorporated for Alternative Disinfection Project, CIP WA0605.

Mr. Timothy Jahn, Engineer IV, stated the City currently owns and operates (5) groundwater plants and a recent additional groundwater plant in the annexation of Riverpark. The sites currently use chlorine gas for disinfection and have since inception. A study in 2007 showed that an alternative disinfection project was created to replace the existing chlorine gas with liquid chlorine; at the time the liquid chlorine was the most cost effective choice.

Malcolm Pernie, Incorporated, recently performed the design and Preliminary Engineering Report for the city that was completed in August and showed there are increases in liquid costs for liquid chlorine, both delivery and bulk delivery costs. Staff reviewed different options but decided it was more cost effective to remain on chlorine gas. The project will include upgrades to the water plants that will soon be converted to surface water and City will blend ground and surface water. There are improvements needed to the chlorinators; two projects were combined to install the chlorine scrubbers.

CONTRACTS AND AGREEMENTS (CONTINUED)

ALTERNATIVE DISINFECTION PROJECT (CONTINUED)

The project will involve installation of six chlorine scrubber systems at each of the six groundwater plants; chlorine scrubbers are pollution control devices that use a dry material with an air exhaust system to capture chlorine gas in the unlikely event of a chlorine gas release. The chlorine gas equipment will be removed. The new equipment will be installed: chlorinators, vacuum gauges, switches, injectors, yard piping, scales, fittings, valves, appurtenances, and associated SCADA/electrical items.

Six bids were received in August for the Alternative Disinfection Project; R&B Group, Incorporated was low bidder. The project schedule includes: Notice to Proceed October 2010; substantial completion June 2011; and final completion July 2011.

Council Member Schiff questioned staff concerning the higher cost of liquid chlorine and opting for higher capital costs; and requested a sense of payback, six months, thirty years, stating there has to be a payback where the city should have spent a little more each year by switching to the liquid chlorine. Staff stated by switching to the liquid chlorine and the improvements needed, there probably would have been a 15-20-year payback compared to staying on the current chlorine gas system and installing the scrubbers.

Council Member Schiff asked staff for clarification, stating if the city switched to liquid chlorine, it would take between 10 to 15 years to have amortized the \$900,000, and spend \$60,000 to \$90,000 a year. Staff stated the additional operating costs of the bolt deliveries were probably not included, but comparing the capital costs alone, not the operational costs. Mr. Schiff asked staff to provide additional information for him to review.

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Schiff*, made a motion to approve bid evaluation and authorizing execution of a Contract in the maximum amount of \$930,200.00 with R & B Group, Incorporated for Alternative Disinfection Project, CIP WA0605. The motion carried unanimously.

SURFACE WATER TREATMENT PLANT

Mayor Thompson introduced consideration on authorizing execution of a Purchase Agreement in the maximum amount of \$4,407,880 with Pall Corporation for Surface Water Treatment Plant membrane procurement, CIP SW0802.

Ms. Jessie Li, Assistant Utilities Director, presented background information stating the City will build a 9.0 million gallons per day (MGD) surface water treatment plant (SWTP) to meet the subsidence requirements on reduction of groundwater usage. The 9 MGD plant is currently in final engineering and design. In March, the city selected a Construction Manager At Risk to be the builder for the construction of the SWTP.

At the new SWTP, the city will utilize membrane treatment technology to further purify the surface water from Oyster Creek to meet the drinking water standards. The procurement of the membrane system is unique: the State requires 90 day pilot testing as the State considers membranes as innovative technology.

CONTRACTS AND AGREEMENTS (CONTINUED)

SURFACE WATER TREATMENT PLANT (CONTINUED)

The city design team pilot-tested (3) membrane equipment manufacturing vendors, and (2) passed, Pall Corporation and Siemens. The membrane equipment needs to be procured during the design phase rather than during construction phase due to its site specific nature, long-lead manufacturing time, and design engineers' needs.

Bid documents were issued to the two pre-qualified manufacturers, Pall and Siemens, and the bids were evaluated by the design team based on ten pre-published selection criteria. Major factors considered were capital cost and total present worth; acceptance of the terms and conditions; and integration into the plant design.

Evaluation results indicated that Pall Corporation had an overall higher ranking; the design engineer recommended design of contract to Pall Corporation. In the Pall agreement, total contract amount is \$4.4 million including a 10-year full replacement warranty on membrane fibers; and a performance guaranty requirement: treated water quality, loading rates, backwash water requirement, and chemical usages. Pall will provide a performance bond in 10 days after the contract is executed.

The payment schedule covers two years. First payment is for engineering design of the membrane, 5 percent of the total amount, due in 45 days after execution of the contract, and funding available in Fiscal Year 2010. 30 percent: delivery of valve racks by 9/15/2011; 30 percent: delivery of ancillary items by 4/15/2011; 30 percent: delivery of membrane by 10/15/2012; and 5 percent: after field startup and testing by 12/1/2012.

Staff estimates completion of 100 percent design by January 2011; CMAR guaranteed maximum price negotiation with FEMA by January 2011; construction will start February 2011; and plant on line January 2013.

Staff attended the Finance Committee meeting and presented the members with information on expenses for the proposed SWTP and details of the project.

Following a full and complete discussion, ***Council Member Schiff***, seconded by ***Council Member Abraham***, made a motion to approve a Purchase Agreement in the maximum amount of \$4,407,880 with Pall Corporation for Surface Water Treatment Plant membrane procurement, CIP SW0802. The motion carried unanimously.

TAX ABATEMENT AGREEMENT

Mayor Thompson introduced consideration on authorizing execution of a Tax Abatement Agreement by and between the City of Sugar Land, API Realty, LLC, and Accredo Packaging, Incorporated for real and personal property improvements Cardinal Meadows Drive, Sugar Land Business Park.

Mr. Tim Neeley, Business Resource Manager, stated the Tax Abatement Agreement is for an expansion project located in the Sugar Land Business Park on a 14.7 acre site located on Cardinal Meadows Drive. Advance Polybag, Incorporated (API) was recruited to Sugar Land in 2006 and relocated the corporate

CONTRACTS AND AGREEMENTS (CONTINUED)

TAX ABATEMENT AGREEMENT (CONTINUED)

headquarters from Metairie, Louisiana to 1470 First Colony Boulevard, Sugar Land. The company built a state-of-the-art manufacturing facility in the Sugar Land Business Park at Cardinal Meadows Drive for Accredo Packaging, a division of API. Accredo Packaging specializes in the design and manufacturing of flexible packaging products predominantly for the pre-packaged food and consumer product markets. Phase I of the Accredo facility was completed in 2009 and included over 174,000 square feet of manufacturing, warehouse, and office space. The facility was built to LEED Silver Certification levels. The project received regional recognition recently as it was selected as a finalist for the 2010 Houston Business Journal Landmark Awards in the industrial category and was featured in Opportunity Houston Magazine.

To secure the location of the facility, the City provided a tax abatement to the company; the abatement on Phase I was 50 percent abatement over a 10 year period on real property and personal property improvements. The company under-promised and over-delivered on the agreement. The agreement requirements were \$33 million; 2010 certified values: over \$44.8 million in value on the ground, exceeding the agreement requirements by 35 percent.

The company is proposing to expand the Accredo facility by adding approximately 171,000 square feet of manufacturing, warehouse, and office space. The expansion is planned to be designed at the LEED Certification level, and the company is requesting an incentive on the project.

Estimated project impact for the proposed expansion includes: new real property capital investment, \$9 million; new personal property, \$22 million, new inventory value, \$1 million. Based on the new value being created, the project does qualify for tax abatement incentive.

Proposed Tax Abatement: Proposed abatement: 50 percent per year over 10 year period on new real property improvements and new personal property improvements. Once the project becomes LEED-certified, it would be eligible to receive an additional LEED tax abatement; 100 percent abatement on percentage of building value based on level of LEED certification received.

The proposed tax abatement will benefit the city by encouraging an expansion project for an existing business that might not occur. During term of the abatement, the City will receive partial taxes on the new real and new personal property created by the expansion. The city will realize 100 percent of the taxes on the new inventory that is created by the project. Estimated annual tax impact to the City based on company projected values for 2012: abatement (no LEED abatement): \$49,500; abatement (LEED abatement/Silver): \$49,163; after abatement expires: \$96,000.

The State Statute requirement that the city create a reinvestment zone prior to passing a Tax Abatement Agreement has been met since Reinvestment Zone 2006-03 which was created for Phase I of the project is still in effect. The proposed tax abatement is consistent with the City tax abatement guidelines and has been reviewed with the Economic Development Committee and City Council.

CONTRACTS AND AGREEMENTS (CONTINUED)

TAX ABATEMENT AGREEMENT (CONTINUED)

Following a full and complete discussion, *Council Member Abraham*, seconded by *Council Member Chaumette*, made a motion to approve a Tax Abatement Agreement by and between the City of Sugar Land, API Realty, LLC, and Accredo Packaging, Incorporated for real and personal property improvements Cardinal Meadows Drive, Sugar Land Business Park. The motion carried unanimously.

RECESS

Mayor Thompson recessed the Regular Meeting, time 7:20 o'clock P.M.

RECONVENE

Mayor Thompson reconvened the Regular Meeting, time 7:33 o'clock P.M.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1796 – CHANGE OF ZONING FOR 82.3 ACRES WITHIN TELFAIR DEVELOPMENT AND GENERAL DEVELOPMENT PLAN FOR DISTRICT

Mayor Thompson introduced **SECOND CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1796** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING A CHANGE OF ZONING FOR 82.3 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF STATE HIGHWAY 6 AND HIGHWAY 90A WITHIN THE TELFAIR DEVELOPMENT, FROM ZONING DISTRICT CLASSIFICATIONS B-O, M-1, M-2, AND INTERIM R-1 TO ZONING DISTRICT CLASSIFICATION PD (PLANNED DEVELOPMENT), AND APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DISTRICT.

Ms. Ruth Lohmer, Senior Planner, stated at the September 7 meeting, City Council approved Ordinance No. 1796 on First Reading. There were no further comments from Staff who stated clarification could be provided to City Council.

Following a full and complete discussion, *Council Member Jones*, seconded by *Council Member Chaumette*, made a motion to approve **CITY OF SUGAR LAND ORDINANCE NO. 1796** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING A CHANGE OF ZONING FOR 82.3 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF STATE HIGHWAY 6 AND HIGHWAY 90A WITHIN THE TELFAIR DEVELOPMENT, FROM ZONING DISTRICT CLASSIFICATIONS B-O, M-1, M-2, AND INTERIM R-1 TO ZONING DISTRICT CLASSIFICATION PD (PLANNED DEVELOPMENT), AND APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DISTRICT. The motion carried unanimously.

ORDINANCES AND RESOLUTIONS (CONTINUED)

ORDINANCE NO. 1801 – PARKS AND RECREATION ADVISORY BOARD

Mayor Thompson introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1801** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES BY INCREASING THE NUMBER OF MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD.

Mayor James A. Thompson stated there is a tremendous interest in the Parks and Recreation Advisory Board, and it is a recommendation of the City Council to consider increasing the Board from the current membership of seven to a membership of eleven.

Mr. Jim Browne, Director of Parks and Recreation, stated the revised role of the Parks and Recreation Advisory Board has been well-received by the Board Members who are excited about the new challenges, opportunities, and projects; and bringing in additional talent to the group can be a definite asset.

City Manager Bogard stated that initially the Council would review the current applications and determine if there are appropriate appointments that City Council would like to make. At that time, Council would decide if additional applications are necessary.

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Smithers*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1801** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES BY INCREASING THE NUMBER OF MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD. The motion carried unanimously.

CITY COUNCIL CITY MANAGER REPORTS

CITY COUNCIL REPORTS

Mayor Thompson introduced Community Events Attended or Scheduled.

Council Member Smithers reported attending the Legislative Update, the Rotary Club Shrimp Fest, Chamber Government Relations meeting, Sugar Land Heritage Foundation Board meeting and Kickoff Reception at the Imperial site, Gulf Coast Rail District, County Judge's Advisory Committee meeting, and the Oyster Creek Estates meeting to discuss the Imperial Redevelopment and the Baseball Stadium.

Council Member Chaumette reported speaking at the Mosaic Learning Center, attending the Literacy Spelling Bee, Fort Bend Exchange Club, will attend the YMCA Annual meeting and Fort Bend Jewel Style Show.

Council Member Abraham reported attending the 30th Anniversary of Friends and Neighbors of Fort Bend Women meeting and H-GAC meeting.

Council Member Jones reported attending some of the same meetings and Finance Committee meetings.

CITY COUNCIL CITY MANAGER REPORTS (CONTINUED)

CITY COUNCIL REPORTS (CONTINUED)

Council Member Olson reported attending the Economic Development meeting, Compensation Committee meeting, and Riverpark HOA Officers meeting.

Council Member Schiff reported he attended the Streetscape Committee meeting and met with the Brazos Bend Homeowners Association to review issues related to University Boulevard.

CITY MANAGER REPORT

City Manager Bogard reported that there will be an Open House on Wednesday, September 22, at 4:30 p.m. at City Hall, and will be immediately followed by the Mobility Summit in the Council Chambers at 6:30 p.m. The Mayor's Youth Advisory Council (MYAC) Induction Ceremony will be held on Monday, September 27, at 4:30 p.m. at City Hall. City Council will devote the last meeting of the fiscal year to the review of the Annual Work Plan for Fiscal Year 2011, and the meeting will be held at City Hall at 3:00 p.m. on Tuesday, September 28.

RECESS REGULAR MEETING

Mayor Thompson recessed the Regular Meeting to go into Closed Executive Session, time 7:50 o'clock P.M.

CLOSED EXECUTIVE SESSION

Mayor Thompson introduced **Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:**

Personnel Matters: Section 551.074

- a) For the purpose of discussion with respect to the Municipal Court Judge annual performance evaluation. *Mayor James A. Thompson.*

ADJOURN CLOSED EXECUTIVE SESSION

Mayor Thompson adjourned the Closed Executive Session, time 8:20 o'clock P.M.

RECONVENE MEETING

Mayor Thompson reconvened the Regular Meeting, time 8:21 o'clock P.M.

ADJOURN

There, being no further business to come before Council, *Council Member Smithers*, seconded by *Council Member Olson*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:22 o'clock P.M.

Glenda Gundermann, City Secretary

(SEAL)